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June 2, 1998

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

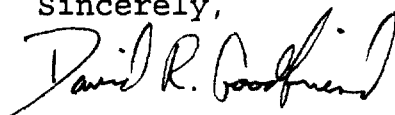
Re: Ex Parte in CC Docket No. 96-115

Dear Ms. Salas:

In reference to the above-captioned proceeding, please find attached copies of correspondence from Members of Congress to the Federal Communications Commission. The letters generally emphasize the importance of establishing cost-based rates for subscriber list information.

Please do not hesitate to contact the undersigned or Michael Finn at (202) 328-8000 should you need further information.

Sincerely,



David R. Goodfriend

cc: Jay Atkinson  
Dorothy Attwood  
Patrick Donovan  
Douglas Galbi  
William Kehoe  
David Konuch  
Tanya Rutherford  
James Schlichting  
Richard Welch

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J. M. A. COBURN, M.D.  
20 DISTRICT, OKLAHOMA

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3602**

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April 10<sup>th</sup>, 1998

Honorable William E. Kennard  
Chairman, Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C.

Dear Chairman Kennard,

I am writing to request commission action on an order in CC docket 96-115 implementing Section 222(e) of the Communications Act. This provision requires a telecommunications carrier that provides local exchange service "to provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format."

Congress enacted this provision as part of the 1996 Telecommunications Act, to protect and promote competition. As the House committee report noted, "Over the past decade, some LEC's have charged excessive and discriminatory prices for subscriber listings. Some have imposed unreasonable conditions such as requiring that the listings be purchased on a statewide basis or refusing outright to sell listings or updates. This provision prohibits such practices."

The enactment of Section 222(e) in and of itself has not resolved these problems. Independent directory publishers still experience pricing inequities, bundling of discriminatory access to and refusals to licensed listings.

In order to bring these problems to a halt, it is vital that the Commission provide clear and explicit standards defining what will be considered "nondiscriminatory and reasonable" under section 222(e). It will be particularly useful for the Commission to formulate a clear policy on what constitutes a reasonable price which recognizes the minimal cost of providing these listings to requesting parties.

I thank you in advance for your study of this current problem. I look forward to the Commission's response.

Sincerely,

Tom A. Coburn, M.D.

BRIAN P. BILBRAY  
45TH DISTRICT, CALIFORNIA

COMMERCE COMMITTEE

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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

May 5, 1998

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Mr. William E. Kennard, Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Kennard:

I am writing to express my support for action by the Federal Communications Commission (FCC) on an order in CC Docket 96-115 implementing Section 222(e) of the Communications Act. This provision requires a telecommunications carrier that provides local exchange service "to provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format."

Congress enacted this provision as part of the 1996 Telecommunications Act, to protect and promote competition. As the House Committee Report noted, "Over the past decade, some LECs have charged excessive and discriminatory prices for subscriber listings. Some have imposed unreasonable conditions such as requiring that the listings be purchased only on a statewide basis or refusing outright to sell listings or updates. This provision prohibits such practices."

The enactment of Section 222(e) in and of itself has not resolved these problems. Independent directory publishers still experience pricing inequities, bundling of discriminatory access, and refusals to license listings.

In order to bring these problems to a halt, it is vital that the FCC provide clear and explicit standards defining what will be considered "nondiscriminatory and reasonable" under Section 222(e). It will be particularly useful for the FCC to formulate a clear policy on what constitutes a reasonable price which recognized the minimal cost of providing these listings to requesting parties.

Thank you in advance for your consideration of and response to my inquiry.

Sincerely,

Brian P. Bilbray  
Member of Congress

BPB:mf

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED PAPER

RICHARD BURR  
3TH DISTRICT, NORTH CAROLINA  
COMMITTEE  
COMMERCE  
SUBCOMMITTEES  
HEALTH AND THE ENVIRONMENT  
ENERGY AND POWER  
OVERSIGHT AND INVESTIGATIONS



**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3305

April 22, 1998

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Mr. Mark Hoffman  
White Directory Of North Carolina, Inc.  
4000 Piedmont Parkway, Suite 410  
High Point, North Carolina 27265

Dear Mark:

Thank you for contacting me to express your concern that the Federal Communications Commission (FCC) is falling behind schedule in implementing Section 222(e) of the Communications Act of 1934. I appreciate hearing from you on this important issue.

As you know, Sec. 222(e) provides independent directory publishers unfettered access to phone subscriber lists. Congress included this provision in the Telecommunications Act of 1996 in order to facilitate competition on all levels of the telecommunications industry. While the FCC has indicated that it will promulgate a rule implementing this section of the Act, it has yet to do so since the Act's enactment in February, 1996.

After receiving your letter, I called the Legislative Affairs Department at the FCC. They informed me that they are currently in the process of drafting the rule and should have it ready for consideration sometime within the next few months. Rest assured that I will closely monitor the FCC's action on this matter, and know the FCC is quite aware of my desire to implement the remaining sections of the Act as quickly as possible.

Again, thank you for expressing your views to me. If I can be of any assistance to you or your family in the future, please do not hesitate to contact me.

Sincerely,

Richard Burr  
Member of Congress

RB:cg